

**CERTIFICATION OF ADMINISTRATIVE RULES  
FILED WITH THE SECRETARY OF STATE  
BRIAN P. KEMP**

(Pursuant to O.C.G.A. §§ 50-13-3, 50-13-4 and 50-13-6.)

The Department has amended rules 591-1-1-.02, 591-1-1-.09, 591-1-1-.24, 591-1-1-.31, and 591-1-1-.33 of the Rules and Regulations for Child Care Learning Centers, Chapter 591-1-1.

I do hereby certify that the attached rule adoption is a true and correct copy as promulgated and adopted by Bright from the Start: Georgia Department of Early Care and Learning (Department) on the 21 st day of November, 2013.

**BRIGHT FROM THE START: GEORGIA DEPARTMENT OF EARLY CARE AND LEARNING**

**Filed:** November 22, 2013.

**Chapter 591-1-1 Child Care Learning Centers**

Rule 591-1-1-.02 entitled "*Definitions.*", amended.

Rule 591-1-1-.09 entitled "*Criminal Records Check.*", amended.

Rule 591-1-1-.24 entitled "*Personnel Records.*", amended.

Rule 591-1-1-.31 entitled "*Staff.*", amended.

Rule 591-1-1-.33 entitled "*Staff Training.*", amended.

**Authority:** O.C.G.A. § 20-1A-1 *et seq.*



**Bobby D. Cagle, MSW**

**Commissioner**

**Bright from the Start:**

**Georgia Department of Early Care and Learning**

**Sworn to and subscribed before me this**

12<sup>th</sup> day of December, 2013.

Eka Dinnia Sim  
(Signature of Notary Public)

(Notary Public Seal)

## **591-1-1-.02 Definitions.**

In these rules, unless the context requires otherwise, the symbols, words and phrases set forth herein shall mean the following:

(a) "Adult" means any competent individual eighteen (18) years of age or older.

(b) "Child Care Learning Center" or "Center" means any place operated by a person, society, agency, corporation, institution or group wherein are received for pay for group care, for fewer than 24 hours per day without transfer of legal custody, 19 or more children under 18 years of age and which is required to be licensed. Child Care Learning Center also includes any day care center previously licensed by the Department of Human Resources and transferred pursuant to Code Section 20-1A-1 et seq.

(c) "Child with Special Needs" means a child enrolled in a Center who, due to a physical problem, mental health disorder, behavioral disorder, or developmental disability, which is either permanent or temporary, requires some adaptation of the Center's standard program of care or activities to accommodate the child's special needs. The special adaptations that the Center agrees to provide must be in writing and the result of a mutual agreement between the Center and the parents of the child with special needs. The agreement shall be made in connection with the child's enrollment or at the time that the special need becomes apparent to the Center or the parents.

(d) "Correctable Abuse Dereliction or Deficiency" means any conduct of a Licensee which violates any of these rules wherein the Department determines that the rule violation is not the result of any Non-Correctable Abuse, Dereliction or Deficiency.

(e) "Crime" means

1. Any felony; 2. A violation of O.C.G.A. Sec. 16-5-23, relating to simple battery, where the victim is a minor;

3. A violation of O.C.G.A. Sec. 16-5-23.1, relating to battery, where the victim is a minor; 4. A violation of O.C.G.A. Sec. 16-21-1, relating to contributing to the delinquency of a minor; 5. A violation of O.C.G.A. Sec. 16-6-1 et seq., relating to sexual offenses; 6. A violation of O.C.G.A. Sec. 16-4-1, relating to criminal attempt when the crime attempted is any of the crimes specified by this paragraph; or 7. Any other offenses committed in another jurisdiction which, if committed in this state, would be one of the enumerated crimes listed in this paragraph.

(f) "Criminal Record" means:

1. Conviction of a crime; or

2. Arrest, charge, and sentencing for a crime where:

(i) A plea of nolo contendere was entered to the charge; or

(ii) First offender treatment without adjudication of guilt pursuant to the charge was granted; provided, however, that this division shall not apply to a violation of O.C.G.A. Sec. 16-13-1 et seq., relating to controlled substances, or any other offense committed in another jurisdiction which, if it were committed in this state, would be a violation of O.C.G.A. Sec. 16-13-1 et seq. if such violation or offense constituted only simple possession; or

(iii) Adjudication or sentence was otherwise withheld or not entered on the charge; provided, however, that this division shall not apply to a violation of O.C.G.A. Sec. 16-13-1 et seq. relating to controlled substances, or any other offense committed in another jurisdiction which, if it were committed in this state, would be a violation of Chapter 13 of Title 16 if such violation or offense constituted only simple possession; or

(iv) Arrest and being charged for a crime if the charge is pending, unless the time for prosecuting such crime has expired pursuant to O.C.G.A. Sec. 17-3-1 et seq.

(g) "Department" means Bright from the Start: Georgia Department of Early Care and Learning.  
(h) "Director" means the on-site manager of a Child Care Learning Center designated by the legal owner who is responsible for the supervision, operation and maintenance of the Center and meets the minimum qualifications as determined by the Department.  
(i) "Employee" means any person, other than a Director or Provisional Employee, who is 17 years of age or older; and

1. Who is employed by a Center to perform at any of the Center's facilities any duties which involve personal contact between that person and any child being cared for at the facility; or
2. Who resides at the facility; or
3. Who performs duties for the Center, with or without compensation, which involve personal contact between that person and any child being cared for by the Center, including but not limited to volunteers that perform consistent services for the Child Care Learning Center; or
4. Who is employed by a Center and who also has a child in care at the Center; or
5. Who is an independent contractor hired by the Center to offer consistent supplemental educational or physical activities for children in care; or
6. Who is a Student-in-Training.

(j) "Evening Care" means care provided to any child at a Center between the hours of 7:00 p.m. and 12:00 midnight.

(k) "Field Trip" means an excursion or program activity with a specific destination away from the Center. It does not include routine school or home pick-up and deliveries or transporting children to and from activities or events where the provider of the activities or the events assume responsibility for the children during the entirety of the event or activity, such as in dance classes or art lessons or regularly scheduled trips to the local public libraries.

(l) "Fingerprint" means an inked fingerprint card or an electronic image of a person's fingerprint.

(m) "Fingerprint Records Check Application" means a document created by the Department to be completed and submitted to the Department by every actual and potential Director and Employee that indicates the individual's name, Center type, and such other information as the Department deems appropriate and which authorizes the Department to receive and render a Fingerprint Records Check Determination pursuant to any criminal history record information pertaining to the individual from any local, state or national criminal justice or law enforcement agency.

(n) "Fingerprint Records Check Determination" means a satisfactory or unsatisfactory determination made by the Department that is based upon national criminal history record information obtained by the use of Fingerprints.

(o) "Group" means a specific number of children assigned to specific staff throughout the day. More than one Group may occupy the same physical space.

(p) "Infant" means any child who is under twelve (12) months of age or any child who is under eighteen (18) months of age and who is not yet walking.

(q) "License" means the document issued by the Department to authorize the License to whom it is issued to operate a Center under these rules. (In lieu of a License, a commission may be issued to a local church ministry, religious nonprofit school or nonprofit religious charitable organization. The requirements to obtain a commission under these rules shall be identical to those for a License.)

(r) "Licensee" means the person, partnership, association, corporation or agency holding a License issued by the Department to operate a Center at a particular location and having responsibility for the operation and maintenance of the Center in accordance with these rules.

(s) "Night-time Care" means care provided to children at the Center between the hours of 12:00 midnight and 6:00 a.m.

(t) "Non-Correctable Abuse, Dereliction or Deficiency" means an abuse, dereliction or violation of these rules which demonstrates any of the following:

1. Flagrant and shocking intentional misconduct by the Licensee or Center staff where the Licensee knew or should have known of the likelihood of Staff to commit such acts;
  2. An intentional or reckless disregard for the physical health, mental health or safety of a child in care which may or may not result in physical injury to the child by the Licensee or the Center Staff where the Licensee knew or should have known of the likelihood of Staff to disregard; or
  3. Some causal connection between the intentional violation of a rule and the death or major injury of a child in care; or
  4. An intentional disregard of a particular rule(s) which relates directly to the health or safety of a child in care where the Licensee has previously been cited for non-compliance with the particular rule(s) within the past twelve (12) months and has failed to sustain the remedial action(s) set forth in a previous plan of correction within that twelve-month period.
- (u) "Parent" means a person related within the second degree of consanguinity by either blood or marriage, or a person with lawful custody, or a state-regulated foster parent, or a legal guardian of a child in care. For purposes of these rules, a Parent who does not perform consistent services for the Center shall not be considered an Employee.
- (v) "Personnel" or "Staff" means all persons including the Director, all full or part time Employees and volunteers and Provisional Employees, who perform consistent services for the Child Care Learning Center and have personal, direct or indirect contact with children at the Center.
- (w) "Plan of Correction" means a written plan prepared by the Director submitted to and approved by the Department which states the procedure(s), method(s) and time frame that will be used by the Licensee to correct the area(s) of non-compliance with these rules.
- (x) "Preliminary Records Check Determination" means a written satisfactory or unsatisfactory determination by a Center based on an examination of an individual's Georgia Crime Information Center (GCIC) information (such as that found on a RAP sheet) obtained solely from a law enforcement agency.
- (y) "Provisional Employee" means a person other than a Director or Employee, who has received a satisfactory Preliminary Records Check Determination, whose duties involve personal contact between that person and any child being cared for at the facility, and who is hired for a limited period of employment in accordance with these rules.
- (z) "Qualified" or "Qualifications" means that a person possesses, in addition to the other requirements set forth in these rules, certain minimum personal and health requirements necessary to administer or be employed in a Center. A person may be considered by the Department to be qualified with respect to the minimum personal and health criteria when he or she has a Satisfactory Records Check Determination; is not suffering from a physical or mental condition which would interfere with the person's ability to perform adequately the job duties of providing for the care and supervision of the children enrolled in the Center in accordance with these rules; has not made any material false statements relating to any licensure requirement to the Department or the Licensee; and has not been shown by credible evidence, e.g., a finding of fact made by a court, jury or department investigation or other reliable evidence, to have abused, neglected, or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct.
- (aa) "Qualifying Work Experience" means verifiable experience working directly with children.
- (bb) "Satisfactory Records Check Determination" means a written declaration that a person for whom either a preliminary or a fingerprint records check was performed was found to have no Criminal Record as defined in these rules.
- (cc) "School-age Children" means children who are at least five (5) years old by the first of September of the current school year and who are eligible to attend public school.
- (dd) "School-age Center" means a Child Care Learning Center, or part thereof with separate physical facilities and a separate license, which provides day-time care exclusively to school-age

children before and/or after the normal school day. Such programs may operate a full-day program solely for the School-age Children enrolled in the program during the regular school year during those periods when school is not in session.

(ee) "Student-in-Training" means a student enrolled in an educational course of study which requires or permits the student to observe and participate in the care of children at a Center during a limited period of time, i.e., one quarter, one trimester or one semester, provided that they are under the direct supervision of Center personnel at all times. Sixteen-year-old or younger Students-in-Training are exempt from criminal record check requirements.

(ff) "Unsatisfactory Records Check Determination" means a written declaration that a person for whom either a preliminary or fingerprint records check was performed was found to have a Criminal Record as defined in these rules.

Authority: O.C.G.A. § 20-1A-1 *et seq.*

## **591-1-1-.09 Criminal Records Check.**

### **(1) Satisfactory Records Check Determination Required**

(a) The Center shall ensure that every Director, Employee and Provisional Employee of the Child Care Learning Center has a satisfactory criminal records check determination.

(b) The satisfactory determination must be made before the individual can begin work at the facility; and

(c) The Center must ensure that no Director, Employee or Provisional Employee of the Child Care Learning Center with an Unsatisfactory Records Check Determination is present at the facility when any child is present for care.

### **(2) Records Check Requirements for Directors**

(a) Type of Records Check. All Directors are required to have a fingerprint-based criminal records check determination by the Department.

(b) Records Check Determination Process. In order for the Department to issue a Satisfactory or Unsatisfactory Records Check Determination, the Center must ensure that the following is submitted for each potential Director:

1. A completed Fingerprint Records Check Application to the Department; and
2. Fingerprints to an authorized fingerprint processing site.

(c) Evidence of Satisfactory Records Check Determination Required. The Center must have sufficient evidence that the Director has a Satisfactory Records Check Determination issued by the Department that is on file and immediately available to the Department upon request.

Sufficient evidence must be either:

1. A current satisfactory determination letter issued by the Department for the Director; or
2. A valid court order indicating that an unsatisfactory determination made by the Department for the Director has been reversed.

(d) Portability. A Center may accept a satisfactory determination letter provided by a potential Director which was issued by the Department as sufficient evidence of that individual's satisfactory criminal records check determination if;

1. The determination letter was issued by the Department within the immediate preceding 12 months from the hire date; and
2. The Center does not know or reasonably should not know that the individual's satisfactory status has changed.

(e) Recheck Required. A new Fingerprint Records Check Determination is required in the following circumstances:

1. Beginning January 1, 2019, each Director that remains employed at a Center and has a Satisfactory Records Check Determination issued on or before January 1, 2014, must obtain a new fingerprint records check determination and must obtain a new satisfactory fingerprint records check determination at least every five years thereafter;

2. Beginning January 1, 2019, each Director must have a Satisfactory Records Check Determination on file that has been issued within the past five years; 3. A Center must seek a new Fingerprint Records Check Determination if the Center knows or reasonably should know that a Director has a Criminal Record as defined in these rules, has been arrested or charged for any covered Crime as defined in these rules, or has a satisfactory criminal record status that has changed; and

4. A Center must seek a new Fingerprint Records Check Determination if the Department so requests. (f) Penalty. Failure to adhere to this rule shall result in revocation of the Center license.

**(3) Records Check Requirements for Employees Hired before January 1, 2014.**

(a) Type of Records Check. All Employees hired before January 1, 2014 must have:

1. Before January 1, 2017, either a Preliminary Records Check Determination or a fingerprint-based criminal records check determination by the Department; and
2. As of January 1, 2017, a fingerprint-based criminal records check determination by the Department.

(b) Records Check Determination Process.

1. For Employees hired before January 1, 2014 that have a local criminal records check, a Center must have reviewed current GCIC-based criminal history information (such as that on a RAP sheet) obtained from local law enforcement and determined that the Employee does not have a Criminal Record as defined in these rules.

2. For Employees hired before January 1, 2014 to have a fingerprint-based criminal records check determination, the Center must ensure that the following is submitted for each Employee:

- (i) A completed Fingerprint Records Check Application to the Department; and
- (ii) Fingerprints to an authorized fingerprint processing site.

(c) Evidence of Satisfactory Records Check Determination Required. The Center must have sufficient evidence that every Employee hired before January 1, 2014 has a satisfactory criminal records check determination on file and immediately available to the Department upon request. Sufficient evidence must be one of the following:

1. A current satisfactory determination letter issued by the Department for the Employee; or
2. A valid court order indicating that an unsatisfactory determination made by the Department for the Employee has been reversed; or
3. If prior to January 1, 2017, a satisfactory Preliminary Records Check Determination.

(d) Portability. A Center may accept a satisfactory determination letter provided by a potential Employee which was issued by the Department as sufficient evidence of that individual's satisfactory criminal records check determination if;

1. The determination letter was issued by the Department within the immediate preceding 12 months from the hire date; and
2. The Center does not know or reasonably should not know that the individual's satisfactory status has changed.

(e) Recheck Required. A new Fingerprint Records Check Determination for Employees hired before January 1, 2014 is required in the following circumstances:

1. Beginning January 1, 2019, each Employee that remains employed at a Center and has a Satisfactory Records Check Determination issued on or before January 1, 2014, must obtain a new Fingerprint Records Check Determination. The Employee must obtain a new satisfactory Fingerprint Records Check Determination at least every five years thereafter;

2. Beginning January 1, 2019, each Employee must have a satisfactory Fingerprint Records Check Determination on file that has been issued within the past five years;

3. Center must seek a new Fingerprint Records Check Determination if the Center knows or reasonably should know that an Employee has a Criminal Record as defined in these rules, has been arrested or charged for any covered Crime as defined in these rules, or has a satisfactory criminal record status that has changed; and

4. Center must seek a new Fingerprint Records Check Determination if the Department so requests.

(f) Penalty. Failure to adhere to this rule shall result in revocation of the Center license.

**(4) Records Check Requirements for Employees Hired On or After January 1, 2014.**

(a) Type of Records Check. All Employees hired on or after January 1, 2014 must have a fingerprint-based criminal records check determination by the Department.

(b) Records Check Determination Process. In order for the Department to issue a Satisfactory or Unsatisfactory Records Check Determination, the Center must ensure that the following is submitted for each potential Employee hired on or after January 1, 2014:

1. A completed Fingerprint Records Check Application to the Department; and

2. Fingerprints to an authorized fingerprint processing site.

(c) Evidence of Satisfactory Records Check Determination Required. The Center must have sufficient evidence that every Employee hired on or after January 1, 2014 has a satisfactory Fingerprint Records Check Determination on file and immediately available to the Department upon request. Sufficient evidence must be either:

1. A current satisfactory determination letter issued by the Department for the Employee; or

2. A valid court order indicating that an unsatisfactory determination made by the Department for the Employee has been reversed.

(d) Portability. A Center may accept a satisfactory determination letter provided by a potential Employee which was issued by the Department as sufficient evidence of that individual's satisfactory criminal records check determination if:

1. The determination letter was issued by the Department within the immediate preceding 12 months from the hire date; and

2. The Center does not know or reasonably should not know that the individual's satisfactory status has changed.

(e) Recheck Required. A new Fingerprint Records Check Determination for Employees hired on or after January 1, 2014 is required in the following circumstances:

1. Beginning January 1, 2019, each Employee that remains employed at a Center and has a Satisfactory Records Check Determination issued on or before January 1, 2014, must obtain a new Fingerprint Records Check Determination by January 1, 2019 and must obtain a new satisfactory Fingerprint Records Check Determination at least every five years thereafter;

2. Beginning January 1, 2019, each Employee must have a satisfactory Fingerprint Records Check Determination on file that has been issued within the past five years;

3. A Center must seek a new Fingerprint Records Check Determination if the Center knows or reasonably should know that an Employee has a Criminal Record as defined in these rules, has been arrested or charged for any covered Crime as defined in these rules, or has a satisfactory criminal record status that has changed; and

4. A Center must seek a new Fingerprint Records Check Determination if the Department so requests.

(f) Penalty. Failure to adhere to this rule shall result in revocation of the Center license.

**(5) Records Check Requirements for Provisional Employees**

(a) Type of Records Check. All Provisional Employees hired on or after January 1, 2014 must have a satisfactory Preliminary Records Check Determination.

(b) Records Check Determination Process.

1. As of January 1, 2014, before a Provisional Employee can be hired, a Center must make a Preliminary Records Check Determination for that person.

2. A satisfactory Preliminary Records Check Determination requires a Center to review current GCIC-based criminal history information (such as that on a RAP sheet) obtained from local law enforcement that was issued within the immediate preceding 10 days of the hire date and make a written statement or declaration that the Provisional Employee does not have a Criminal Record as defined in these rules.

3. For a Provisional Employee to become a permanent Employee, the individual must have a satisfactory Fingerprint Records Check Determination. Within the first 21 calendar days of provisional employment, the Center must ensure that the following is submitted for every Provisional Employee that the Center wishes to hire as a permanent Employee:

(i) A completed Fingerprint Records Check Application to the Department; and

(ii) Fingerprints to an authorized fingerprint processing site.

(c) Evidence of Satisfactory Records Check Determination Required. The Center must have sufficient evidence that every Provisional Employee hired has a satisfactory Preliminary Records Check Determination. Sufficient evidence must:

1. Be on file;

2. Be immediately available to the Department upon request;

3. Include a written declaration or statement from the Center verifying that the Provisional Employee has a satisfactory Preliminary Criminal Records Check Determination; and

4. Include either:

(i) Current GCIC-based criminal history information (such as that on a RAP sheet) obtained from local law enforcement that was issued within the immediate preceding 10 days of the hire date indicating that the Provisional Employee does not have a Criminal Record as defined in these rules; or

(ii) A valid court order indicating that an unsatisfactory determination has been reversed.

(d) Portability. A Preliminary Records Check Determination rendered by a Center is not portable; however, GCIC-based criminal history information (such as that on a RAP sheet) obtained from local law enforcement can be used by more than one child care program so long as it was issued within the immediate preceding 10 days of the hire date.

(e) Penalty. Failure to adhere to this rule may result in revocation of the Center license.

Authority: O.C.G.A. § 20-1A-1 *et seq.*

### **591-1-1-.24 Personnel Records.**

A Center must maintain a personnel file on the Director, all Employees, Provisional Employees, Personnel, Staff, Students-in-Training, Volunteers, Clerical, Housekeeping, Maintenance, and other Support Staff for the duration of the term of employment plus one calendar year, and it shall contain the following:

(a) Identifying information to include: name, date of birth, social security number, current address and current telephone number;

(b) Employment history;

(c) As applicable to the position held, evidence of education and qualifying work experience;

(d) As applicable to the position held, evidence of required orientation including date and signature of person providing the orientation;

(e) As applicable to the position held, all training required by these rules which shall include: title of training, date of training, trainer's signature, location of training and number of clock hours obtained;



- (f) As applicable to the position held, verification of a Satisfactory Records Check Determination;
- (g) Daily attendance records or other employee payroll records for the Employee for the preceding six (6) month period which may be stored away from the Center provided that the Center notifies the Department of its intention to store these records off-site, provides the Department with the name, address and phone number of the custodian of these records and allows the Department, at its discretion, to have access to these records at the custodian's location immediately or access at the Center within seven (7) business days of a Department representative's request. The Department may, at its discretion, accept photocopies of the requested records which are provided within seven (7) business days of the Department representative's request for the same;
- (h) Statement completed by the staff member or other documentation regarding qualifications.

Authority: O.C.G.A. § 20-1A-1 *et seq.*

### **591-1-1-.31 Staff.**

#### **(1) Director.**

(a) A Center must have a Director who is responsible for the supervision, operation and maintenance of the Center. The Director must be on the Center's premises. If the Director is absent from the Center at any time during the hours of the Center's operation, there shall be an officially designated person on the Center site to assume responsibility for the operation of the Center, and this person shall have full access to all records required to be maintained under these rules.

(b) Qualifications of Director. The Director must meet the minimum qualifications listed below. (Note: The educational and qualifying child care experience requirements contained in 591-1-1-.31(1)(b)2.(i) through (v) will remain in effect through November 30, 2012. These requirements will change effective December 1, 2012, and the new educational and qualifying experience requirements for Directors are listed in 591-1-1-.31(1)(b)3.(i) through (xiii) below.):

1. Be at least twenty-one (21) years of age;

2. Possess at least one of the following sets of minimum academic requirements and qualifying child care experience at the time of employment:

(i) High school diploma or general education diploma (G.E.D.) and one (1) year of qualifying child care experience;

(ii) Child Development Associate (CDA) credential; Child Development and Related Care diploma from a vocational institute accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or similar credential where the course of study includes an intensive practicum in child care as part of the curriculum and which is approved by the Department;

(iii) Associate's degree in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;

(iv) Bachelor's degree from an accredited college or university in a field other than Early Childhood Education or Child Development and three (3) months of qualifying child care experience;

(v) Bachelor's degree from an accredited college or university in Early Childhood Education or Child Development.

3. Effective December 1, 2012, the educational and qualifying child care experience requirements for directors, listed in 591-1-1-.31(1)(b)2.(i) through (v) above, will no longer be valid. Effective December 1, 2012, and thereafter, all Directors must possess at least one of the

following sets of minimum academic requirements and qualifying child care experience at the time of employment:

- (i) Child Development Associate (CDA) credential issued by the Council for Professional Recognition; Child Development and Related Care diploma from a vocational institute accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or similar credential where the course of study includes an intensive practicum in child care as part of the curriculum and which is approved by the Department; and six (6) months of qualifying child care experience;
  - (ii) Technical Certificate of Credit (TCC) in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;
  - (iii) Technical Certificate of Credit (TCC) in Infant and Toddler and six (6) months of qualifying child care experience;
  - (iv) Technical Certificate of Credit (TCC) in Program Administration and six (6) months of qualifying child care experience;
  - (v) Technical Certificate of Credit (TCC) in School Age and Youth Care and six (6) months of qualifying child care experience;
  - (vi) Technical College Diploma (TCD) in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;
  - (vii) Forty-hour (40) director training course approved by the Department and has been employed for a minimum of five (5) years as an on-site Child Care Learning Center Director or as an on-site Group Day Care Home Director;
  - (viii) Associate's degree in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;
  - (ix) Paraprofessional Certificate issued by the Georgia Professional Standards Commission and six (6) months of qualifying child care experience;
  - (x) Twenty-five (25) quarter hours or fifteen (15) semester hours from an accredited college or university in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;
  - (xi) Bachelor's degree from an accredited college or university in a field other than Early Childhood Education or Child Development and three (3) months of qualifying child care experience;
  - (xii) Bachelor's degree from an accredited college or university in Early Childhood Education or Child Development;
  - (xiii) Master's degree from an accredited college or university in Early Childhood Education or Child Development;
4. Have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid provided by certified or licensed health care professionals and which covers the provision of emergency care to infants and children;
5. Participate in the orientation and training required by these rules;
6. Not be suffering from any physical handicap or mental health disorder that would interfere with the applicant's ability to perform adequately the job duties of providing for the care and supervision of the children enrolled in the Center in accordance with these rules;
7. Never have been shown by credible evidence, e.g., a court or jury, a department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application or at any other time. Upon said request, the Director or Staff shall provide this statement to the Department;

8. Have a Satisfactory Records Check Determination as defined in these rules; and  
9. Not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current licensee or commission holder.

(c) Required Records. Effective December 1, 2012, a copy and/or written verification of the credential or degree awarded to the Director by the technical college, university, school or Department-approved trainer listed in 591-1-1-.31(1)(b)3.(i) through (xiii) shall be maintained by the Center in the Director's file, and such documentation shall be available for inspection and provided to Department staff upon request.

(2) Teacher/Lead Caregiver.

(a) A Center must have a designated teacher/lead caregiver for each group of children.

(b) Qualifications of Teacher/Lead Caregiver. The teacher/lead caregiver must meet the minimum qualifications listed below. (Note: The educational and qualifying child care experience requirements contained in 591-1-1-.31(2)(b)2. will remain in effect through November 30, 2012. These requirements will change effective December 1, 2012, and the new educational and qualifying child care experience requirements for teachers/lead caregivers are listed in 591-1-1-.31(2)(b)3.(i) through (xii) below.):

1. Be at least eighteen (18) years of age;

2. Have either a high school diploma or a general education diploma (G.E.D.) or one (1) year of qualifying child care experience if hired after the effective date of these rules;

3. Effective December 1, 2012, the qualifications listed in 591-1-1-.31(2)(b)2. above will no longer be valid. Effective December 1, 2012, and thereafter, all teachers/lead caregivers must possess at least one of the following sets of minimum academic requirements and qualifying experience at the time of employment:

(i) Child Development Associate (CDA) credential issued by the Council for Professional Recognition; Child Development and Related Care diploma from a vocational institute accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or similar credential where the course of study includes an intensive practicum in child care as part of the curriculum and which is approved by the Department;

(ii) Technical Certificate of Credit (TCC) in Early Childhood Education or Child Development;

(iii) Technical Certificate of Credit (TCC) in Infant and Toddler;

(iv) Technical Certificate of Credit (TCC) in Program Administration;

(v) Technical Certificate of Credit (TCC) in School Age and Youth Care;

(vi) Technical College Diploma (TCD) in Early Childhood Education or Child Development;

(vii) Associate's degree in Early Childhood Education or Child Development (AA, AAS, AAT);

(viii) Paraprofessional Certificate issued by the Georgia Professional Standards Commission;

(ix) Twenty-five (25) quarter hours or fifteen (15) semester hours from an accredited college or university in Early Childhood Education or Child Development;

(x) Bachelor's degree from an accredited college or university in a field other than Early Childhood Education or Child Development and three (3) months of qualifying child care experience;

(xi) Bachelor's degree from an accredited college or university in Early Childhood Education or Child Development;

(xii) Master's degree from an accredited college or university in Early Childhood Education or Child Development.

4. Have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid provided by certified or licensed health care professionals and which covers the provision of emergency care to infants and children if the caregiver is to be counted as part of the fifty percent (50%) of the child care staff with the required current evidence of CPR and first aid training;
  5. Participate in the orientation and training required by these rules;
  6. Not be suffering from any physical handicap or mental health disorder that would interfere with the person's ability to perform assigned job duties adequately and in accordance with these rules;
  7. Never have been shown by credible evidence, e.g., a court or jury, a department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application or at any other time. Upon said request, the teacher/lead caregiver or staff shall provide this statement to the Department.
  8. Have a Satisfactory Records Check Determination as defined in these rules; and
  9. Not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current licensee or commission holder.
- (c) Required Records. Effective December 1, 2012, a copy and/or written verification of the credential or degree awarded to the lead teacher by the technical college, university, school or Department-approved trainer listed in 591-1-1-.31(2)(b)3.(i) through (xii) shall be maintained by the Center in the lead teacher's file, and such documentation shall be available for inspection and provided to Department staff upon request.
- (3) Qualifications of Teacher/Lead Caregiver Hired After November 30, 2012.
- (a) The teacher/lead caregiver must meet the minimum qualifications, educational and qualifying child care experience requirements contained in 591-1-1-.31(2)(b)1. through 9.
- (b) If the newly hired lead teacher does not possess one of the educational and qualifying child care experience requirements listed in 591-1-1-.31(2)(b)3.(i) through (xii), the Center may hire this individual as lead teacher if the following requirements are met:
1. The lead teacher enrolls in a program of study to obtain one of the educational credentials and qualifying experience requirements listed in 591-1-1-.31(2)(b)3.(i) through (xii), within six (6) months after becoming employed at the Center and completes the credential or degree within eighteen (18) months after enrollment;
  2. The Center prepares a written plan outlining the newly hired lead teacher's professional development in obtaining one of the credentials or degrees listed in 591-1-1-.31(2)(b)3.(i) through (xii). Such plan must include the following information:
    - (i) Individual's identifying information (name, address and telephone numbers);
    - (ii) Technical college, university or school where enrolled (name, address and telephone number) or Department-approved trainer providing credential coursework (name, address and telephone number);
    - (iii) Credential or degree individual is seeking;
    - (iv) Content area of credential or degree;
    - (v) Anticipated date for completion of credential or degree;
    - (vi) Names and numbers of courses to be completed during the current year and ongoing updates of the names and numbers of courses to be completed for the following year(s);
    - (vii) Documentation of course work successfully completed throughout process (i.e., completion of quarter, semester or component of course work); and
    - (viii) A copy of the credential or degree awarded by the technical college, university, school or Department-approved trainer for specified credential upon completion.

3. This professional development plan must be maintained in the lead teacher's file, and such plan shall be available for inspection and provided to Department staff upon request.

(4) Caregivers/Aides.

(a) A Center may employ caregivers/aides to assist the teacher/lead caregiver in the care of children in any group within the Center. No caregiver/aide who is 16 or 17 years of age shall be solely responsible for children.

(b) Qualifications of Caregivers/Aides.

1. Be at least sixteen (16) years of age;

2. Have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid provided by certified or licensed health care professionals and which covers the provision of emergency care to infants and children if the caregiver is to be counted as part of the fifty percent (50%) of the child care staff with the required current evidence of CPR and first aid training;

3. Participate in the orientation and training required by these rules;

4. Not be suffering from any physical handicap or mental health disorder that would interfere with the person's ability to perform assigned job duties adequately and in accordance with these rules;

5. Never have been shown by credible evidence, e.g., a court or jury, a department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application or at any other time. Upon said request, the caregiver/aide or staff shall provide this statement to the Department.

6. Have a Satisfactory Records Check Determination if seventeen (17) years of age or older; and

7. Not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current licensee or commission holder.

(5) Provisional Employees. The Center may hire Provisional Employees. All Provisional Employees:

(a) Must be at least seventeen (17) years of age;

(b) Must be informed of the rules for Child Care Learning Centers and the Center's policies and procedures for the age group for which they will be providing care;

(c) Must be informed of the Center's policies and procedures necessary to the proper performance of their job duties in compliance with the rules for Child Care Learning Centers;

(d) Must have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid provided by certified or licensed health care professionals and which covers the provision of emergency care to infants and children if the caregiver is to be counted as part of the fifty percent (50%) of the child care staff with the required current evidence of CPR and first aid training;

(e) Must participate in the orientation and training required by these rules;

(f) Must not be suffering from any physical handicap, mental health disorder or developmental disability that would interfere with the person's ability to perform assigned job duties adequately and in accordance with these rules;

(g) Must never have been shown by credible evidence, e.g., a court or jury, a department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application or at any other time. Upon said request, the Provisional Employee shall provide this statement to the Department;

(h) Must have a satisfactory Preliminary Criminal Records Check Determination as determined by the Center based on Georgia Crime Information Center (GCIC) information (such as that found on a RAP Sheet) obtained only from local law enforcement that was issued by the law enforcement agency within the immediate preceding 10 days of the hire date on file;

(i) Must not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current licensee or commission holder;

(j) May be hired for one period of provisional employment for up to 21 consecutive calendar days. This 21 day provisional employment period may be extended until the Department issues a Records Check Determination only if the individual:

1. Submitted for a Fingerprint Records Check Determination by the Department within the 21 calendar days of provisional employment; and

2. Submitted a Fingerprint Records Check Application to the Department within the 21 calendar days of provisional employment; and

(k) May be hired as a permanent Employee by the Center only if the individual receives a satisfactory Fingerprint Records Check Determination by the Department and meets all other qualification requirements in these rules.

(6) Independent Contractors. A Center may have an independent contractor to offer consistent supplemental educational or physical activities for children in care.

(a) Such an independent contractor is an Employee of the Center for the purpose of these rules and must have a satisfactory Fingerprint Records Check Determination.

(b) Such an independent contractor is exempted from annual training and first-aid/CPR training requirements.

(c) Any independent contractor that does not offer consistent supplemental educational or physical activities for any child in care cannot be solely responsible for any child other than their own and must be under continuous direct supervision of a Director, Employee or Provisional Employee while in the presence of children other than their own.

(7) Parents. The Center may have Parents occasionally assist in a classroom, chaperon or accompany a group of children from the Center on a field trip.

(a) A Parent that is this type of occasional assistant is not required to obtain a criminal records check determination; however, an Employee that is also a parent of a child in care at the Center is considered an Employee for purposes of these rules and must have a satisfactory Fingerprint Records Check Determination.

(b) No Parent shall be solely responsible for children other than their own and must be under continuous direct supervision of a Center Employee while in the presence of children in care other than their own.

(8) Volunteers. The Center may have volunteers other than Parents help in a classroom, chaperon or accompany a group of children from the Center on a field trip.

(a) Volunteers age seventeen (17) and older that provide consistent services must have a satisfactory Fingerprint Records Check Determination.

(b) No volunteer shall be solely responsible for children other than their own and must be under continuous direct supervision of a Center Employee while in the presence of children other than their own.

(c) Such volunteer is exempted from annual training and first-aid/CPR training requirements.

(9) Students-in-Training. The Center may have Students-in-Training at the Center. =

(a) Students-in-Training age 17 and older must have a satisfactory Fingerprint Records Check Determination.

(b) No Student-In-Training shall be solely responsible for children other than their own and must be under continuous direct supervision of a Center Employee while in the presence of children in care other than their own.

(10) Staff for School-Age Programs.

(a) Effective December 1, 2012, after school programs serving children ages five (5) years and older (school-age) that routinely operate a maximum of four (4) hours per day, Monday through Friday, whether the school-age program is the only licensed program at that location or operates a full day Child Care Learning Center, shall comply with the following:

(b) A school-age program must have at least one lead teacher/caregiver who is responsible for:

1. Day-to-day programming and
2. Supervision of the assistant caregivers/aides assigned to each classroom or group of school-age children.

(c) If there is only one lead teacher/caregiver and more than one classroom or group of school-age children, the director of the school-age program shall assign an assistant caregiver/aide who is at least 18 years of age to each classroom or group of children.

(d) If there is a lead teacher/caregiver assigned to each classroom or group of children, the assistant caregiver/aide may be 16 or 17 years of age.

(11) Clerical, Housekeeping, Maintenance and Other Support Staff. The Center shall have qualified and sufficient direct-care, clerical, housekeeping, maintenance and other support staff to ensure full compliance with these rules without neglecting the supervision of the children.

(a) Other Staff That May Have Direct Contact With Children in Care. A Center may have additional staff at the Center. Any staff member that has any personal contact with any child in care must:

1. Have a Satisfactory Records Check Determination as defined in these rules; and
2. May be exempted from annual training and first-aid/CPR training requirements.

(b) Other Staff That Must Not Have Direct Contact With Children in Care. The Center may have individuals at the Center to repair and/or maintain the facility while children are in care that have no personal contact with any child in care. These individuals:

1. Must have no contact with children in care;
2. May not be required to obtain a criminal records check determination, unless they have contact with children in care; and
3. May be exempted from annual training and first-aid/CPR training requirements.

(12) Work Schedules.

Staff shall not regularly be scheduled to perform child care duties for more than twelve (12) hours within any twenty-four (24) hour period.

(13) First Aid and CPR.

At least fifty percent (50%) of the caregiver staff shall have current evidence of first aid training and cardiopulmonary resuscitation. There must always be an Employee with current evidence of first aid training and CPR on the Center premises whenever children are present and on any Center-sponsored field trip.

(14) Compliance with Applicable Laws and Regulations. Center staff shall comply with all applicable laws and regulations.

Authority: O.C.G.A. § 20-1A-1 *et seq.*

### **591-1-1-.33 Staff Training.**

(1) Orientation. Prior to assignment to children or task, all Employees and Provisional Employees must receive initial orientation on the following subjects:

- (a) The Center's policies and procedures;
- (b) The portions of these rules dealing with the care, health and safety of children;
- (c) The Employee's assigned duties and responsibilities;

- (d) Reporting requirements for suspected cases of child abuse, neglect or deprivation; communicable diseases and serious injuries;
- (e) Emergency weather plans;
- (f) Childhood injury control;
- (g) The administration of medicine;
- (h) Reducing the risk of Sudden Infant Death Syndrome (SIDS);
- (i) Hand washing;
- (j) Fire Safety;
- (k) Water Safety;
- (l) Prevention of HIV/Aids and blood borne pathogens.
- (2) First Year Training - Direct Care Staff. Within the first year of employment, all staff who provide any direct care to children, except independent contractors, Students-in-Training and volunteers, shall obtain ten (10) clock hours of training or instruction in child care issues from an accredited school or Department-approved source. At least six (6) of the clock hours must be divided as follows:
  - (a) Four (4) clock hours of training in any of the following topics: disease control, cleanliness, basic hygiene, illness detection, illness disposition and childhood injury control.
  - (b) Two (2) clock hours of training in identifying, reporting and meeting the needs of abused, neglected or deprived children.
- (3) First Year Training - Food Preparation. Within the first year of employment, the Director and the person primarily responsible for food preparation hired after the effective date of these rules shall receive four (4) clock hours of training in food nutrition planning, preparation, serving, proper dish washing and food storage.
- (4) Ongoing Training. On an annual basis, all supervisory and caregiver personnel, except independent contractors, Students-in-Training and volunteers, shall attend ten (10) clock hours of training which is task-focused in early childhood education or child development or subjects relating to job assignment and is offered by an accredited college, university or vocational program or other Department-approved source.
- (5) Documentation of Training. Evidence of orientation and training shall be documented in the personnel file of each staff member which shall be available to the Department for inspection.
- (6) Exemptions from Training. Custodial, maintenance personnel or volunteers who provide no direct care to children are not required to obtain first year training or ongoing training.

Authority: O.C.G.A. § 20-1A-1 *et seq.*